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February 16, 2010

**VIA ECF**

Honorable Jose L. Linares, U.S.D.J.  
United States District Court  
M.L. King, Jr. Federal Building & Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: *Larson, et al. v. AT&T Mobility, et al.*  
Civil Action No. 07-5325 (JLL)**

Dear Judge Linares:

We are co-counsel for the Class in the above matter. We join Sprint's February 12, 2010 letter relating to the parties' joint request for the entry of the Final Judgment, which is an integral part of the Settlement which was approved by the Court, and which was previously submitted to the Court on February 5, 2010 [Docket Entry 454].

Further, on its face, the application for an injunction which Messrs. Plutzik and Bursor filed in California is a collateral attack on this Court's January 15, 2010 Opinion. If those parties wish to have the Court's decision reviewed, they have avenues to do so, via an appeal to the Third Circuit. A motion in California state court is not among those options. In addition, the Court's reasoning in its January 16, 2009 Order [Docket Entry 139] is equally applicable now as it was when written:

To allow the Subscriber Class Case to go forward with its request for injunctive relief in California would directly undermine the Larson Settlement by placing California consumers in a different position vis-a-vis the rest of the members of the Larson Settlement class and by giving California consumers a different set of benefits than that accorded to the entire class. Because the Court finds the Subscriber Class members to be covered in full by the Larson Settlement, any further state court litigation regarding the class – prior to this Court's final approval hearing regarding the Larson settlement – will have the

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effect of obstructing this Court's "path to judgment". *Diet Drugs*, 282 F.3d at 234 ("the state action must not simply threaten to reach judgment first, it must interfere with the federal court's own path to judgment.") Specifically, this Court finds a substantial likelihood that any decision in the Subscriber Class Case would effectively scuttle a significant portion of the Larson Settlement and threaten its ultimate viability.

For these reasons, as well as the reasons set forth in Mr. Boyle's February 12, 2010 letter, Class Counsel respectfully requests that the Court enter the proposed Final Judgment.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO, P.C.

/s/ James E. Cecchi

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Enclosures

cc: All Counsel (via ECF)